

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

<p>Jesika Brodiski and Peter Hayward, on behalf of themselves and all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>Capital One Financial Corporation, Wikibuy LLC, and Wikibuy Holdings LLC,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 1:25-cv-00023</p> <p>CLASS ACTION</p>
<p>Brian Moses and Clearvision Media, Inc., on behalf of themselves and all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>Capital One Financial Corporation, d/b/a Capital One, d/b/a Capital One Shopping,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 1:25-cv-00039</p> <p>CLASS ACTION</p>
<p>Shonna Coleman, on behalf of herself and all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>Capital One Financial Corporation, Wikibuy LLC, and Wikibuy Holdings LLC,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 1:25-cv-00060</p> <p>CLASS ACTION</p>
<p>Storm Productions LLC, on behalf of itself and others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>Capital One Financial Corporation, Wikibuy LLC, and Wikibuy Holdings LLC,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 1:25-cv-00102</p> <p>CLASS ACTION</p>

**PLAINTIFFS' JOINT MOTION FOR ORDER GRANTING TRANSFER AND
CONSOLIDATION AND SETTING DEADLINES FOR APPOINTMENT OF INTERIM
CLASS COUNSEL**

Pursuant to Federal Rule of Civil Procedure 42(a), Plaintiffs Jesika Brodiski, Peter Hayward, Brian Moses, Clearvision Media, Inc., Shonna Coleman, and Storm Productions LLC (collectively, "Plaintiffs") respectfully request the transfer and consolidation of: (i) *Brodiski and Hayward v. Capital One Financial Holding Corporation, et al.*, Case No. 1:25-cv-00023 (E.D. Va., filed January 6, 2025)(the "*Brodiski Action*"); (ii) *Moses and Clearvision Media, Inc. v. Capital One Financial Corporation, et al.*, Case No. 1:25-cv-00039 (E.D. Va., filed January 9, 2025)(the "*Moses Action*"); (iii) *Coleman. v. Capital One Financial Corporation, et al.*, Case No. 1:25-cv-00060 (E.D. Va., filed January 13, 2025)(the "*Coleman Action*"); and (iv) *Storm Productions LLC v. Capital One Financial Corporation, et al.*, Case No. 1:25-cv-00102 (E.D. Va., filed January 21, 2025)(the "*Storm Action*")(collectively, the "Related Actions") into the first-filed *Brodiski Action*, as well as any subsequently filed or transferred actions arising from the same subject matter, for all purposes before the Honorable District Judge Anthony J. Trenga and Magistrate Judge William B. Porter.

Plaintiffs request that the Court issue an Order: (1) transferring and consolidating the Related Actions into the first-filed *Brodiski Action*, Case No. 1:25-cv-00023, under the title *In re Capital One Financial Corporation, Affiliate Marketing Litigation*; (2) directing Plaintiffs' counsel to file any perspective Motion(s) to Appoint Interim Lead Counsel Pursuant to Rule 23(g) within seven (7) days of the Court granting Plaintiffs' Motion to Transfer and Consolidate the Related Actions; and (3) directing Plaintiffs to file their Consolidate Class Action Complaint within forty-five (45) days of the Court ruling on the Motion to Appoint Interim Lead Counsel Pursuant to Rule

23(g). Pursuant to Local Rule 7(e), Plaintiffs' counsel met and conferred with counsel for Defendants, and the Defendants do not oppose consolidation of the Related Actions.¹

This motion is based on the accompanying Memorandum of Law, any argument presented to the Court, and all matters of which the Court may take judicial notice.

Dated: January 23, 2025

Respectfully Submitted,

By: /s/ Lee A. Floyd

Lee A. Floyd (VSB No. 88459)
Justin M. Sheldon, Esq. (VSB No. 82632)
BREIT BINIAZAN, PC
2100 East Cary Street, Suite 310
Richmond, Virginia 23223
Telephone: (804) 351-9040
Facsimile: (804) 351-9170
Lee@bbtrial.com
Justin@bbtrial.com

Adam E. Polk (*pro hac vice* submitted)
Simon S. Grille (*pro hac vice* submitted)
GIRARD SHARP LLP
601 California Street, Suite 1400
San Francisco, CA 94108
Telephone: (415) 981-4800
apolk@girardsharp.com
sgrille@girardsharp.com

Gary M. Klinger (*pro hac vice* forthcoming)
**MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC**
227 W. Monroe Street, Suite 2100
Chicago, IL 60606
Telephone: (866) 252-0878
gklinger@milberg.com

¹ Although Defendants do not oppose consolidation, they believe that Plaintiffs' request regarding Appointment of Interim Lead Counsel pursuant to Rule 23(g) is unnecessary. For the reasons explained in Plaintiffs' Memorandum in Support of this Motion, Plaintiffs disagree. *See* Mot. at pp. 6-7. Notwithstanding, Defendants believe the filing of the Consolidated Class Action Complaint should be triggered by an order consolidating the cases as opposed to an order concerning leadership.

Alexandra M. Honeycutt (*pro hac vice*
forthcoming)

**MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC**

800 S. Gay St., STE 1100

Knoxville, TN 37929

Telephone: (866) 252-0878

ahoneycutt@milberg.com

E. Michelle Drake*

emdrake@bm.net

Marika K. O'Connor Grant*

moconnorgrant@bm.net

BERGER MONTAGUE PC

1229 Tyler Street NE, Suite 205

Minneapolis, MN 55413

T. 612.594.5999; F. 612.584.4470

Sophia M. Rios*

srios@bm.net

BERGER MONTAGUE PC

8241 La Mesa Blvd., Suite A

La Mesa, CA 91942

T. 619.489.0300

Norman E. Siegel (*pro hac vice*
forthcoming)

Barrett J. Vahle (*pro hac vice* forthcoming)

Joy D. Merklen (*pro hac vice* forthcoming)

STUEVE SIEGEL HANSON LLP

460 Nichols Road, Suite 200

Kansas City, Missouri 64112

Telephone: (816) 714-7100

siegel@stuevesiegel.com

vahle@stuevesiegel.com

merklen@stuevesiegel.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 23, 2025, the foregoing was filed electronically with the Clerk of the Court using the CM/ECF System and was thereby served on all counsel of record.

/s/ Lee A. Floyd

Lee A. Floyd (VSB No. 88459)

Justin M. Sheldon, Esq. (VSB No. 82632)

BREIT BINIAZAN, PC

2100 East Cary Street, Suite 310

Richmond, Virginia 23223

Telephone: (804) 351-9040

Facsimile: (804) 351-9170

Lee@bbtrial.com

Justin@bbtrial.com